CCRB INVESTIGATIVE RECOMMENDATION

| Investigator: | | Team: | CCRB Case #: | Ī | Force | ПІ | Discourt. | U.S. |
|--------------------------------|-------------------------|--|--|----------|-----------|----------|-----------|------------|
| Jackie Manginelli | | Squad #10 | 201907968 | 1 | Abuse | _ | O.L. | ✓ Injury |
| vacare mangment | | Squad #10 | 201707700 | | 110450 | <u> </u> | J.L. | <u> </u> |
| Incident Date(s) | | Location of Incident: | | P | recinct: | 18 M | Io. SOL | EO SOL |
| Thursday, 08/22/2019 2:00 PM | | § 87(2)(b) | | | 19 | 2/2 | 2/2021 | 10/9/2021 |
| Data/Time CV Demonted | | Manhattan. | How CV Deports | d. | Date/Time | . Paggir | ad at CCI | DD |
| Date/Time CV Reported | | CV Reported At: | How CV Reported | | | | | |
| Mon, 09/09/2019 4:54 PM | | CCRB | In-person | | Mon, 09/0 | 19/2019 | 4:54 PM | |
| Complainant/Victim | Type | Home Addre | ess | | | | | |
| | | | | | | | | |
| Witness(es) | | Home Addre | ess | | | | | |
| | | | | | | | | |
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| | | | | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | | | | |
| 1. POF Lissette Guerrerodeoleo | 13672 | 963558 | 019 PCT | | | | | |
| 2. POM Sahib Singh | 06939 | 964774 | 019 PCT | | | | | |
| 3. SGT Patrick Ross | 00545 | 940676 | 019 PCT | | | | | |
| 4. POM Jaily Polancobalcacer | 19323 | 957966 | 019 PCT | | | | | |
| Officer(s) | Allegatio | n | | | Inve | estigate | or Recon | nmendation |
| A.POF Lissette Guerrerodeoleo | Abuse: P | olice Officer Lissette G | Suerrerodeoleo threa | atenec | d to | | | |
| B.SGT Patrick Ross | Abuse: S | ergeant Patrick Ross th | reatened to arrest § 8 | 37(2)(b) | | | | |
| C.POM Jaily Polancobalcacer | Abuse: P | olice Officer Jaily Pola | ncobalcacer stoppe | d | | | | |
| D.POF Lissette Guerrerodeoleo | Abuse: P | olice Officer Lissette G | Suerrerodeoleo stop | ped | | | | |
| E.POM Sahib Singh | Abuse: P | olice Officer Sahib Sin | gh stopped § 87(2)(b) | | | | | |
| F.SGT Patrick Ross | Abuse: S | ergeant Patrick Ross sto | opped § 87(2)(b) | | | | | |
| G.POF Lissette Guerrerodeoleo | Force: Po | olice Officer Lissette Grinst § 87(2)(b) | uerrerodeoleo used | physi | cal | | | |
| H.SGT Patrick Ross | Force: Se § 87(2)(b) | rgeant Patrick Ross use | ed physical force ag | gainst | | | | |
| I.POF Lissette Guerrerodeoleo | Abuse: P provide § | olice Officer Lissette G 87(2)(b) with a b | duerrerodeoleo faile ousiness card. | d to | | | | |
| J.POM Sahib Singh | | olice Officer Sahib Singth a business card. | gh failed to provide | § 87(2) | (b) | | | |
| K.POM Jaily Polancobalcacer | Abuse: P | olice Officer Jaily Pola with a business | | to pro | vide | | | |
| L.SGT Patrick Ross | | ergeant Patrick Ross fa th a business card. | iled to provide § 87(2 |)(b) | | | | |

| Officer(s) | Allegation | Investigator Recommendation |
|------------|-------------------------|-----------------------------|
| § 87(2)(b) | § 87(2)(g), § 87(4-b) | |
| § 87(2)(b) | § 87(2)(g), § 87(4-b) | |
| | | |
| § 87(2)(b) | \$ 87(2)(g), \$ 87(4-b) | |
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Case Summary

On September 9, 2019, § 87(2)(b) appeared at the CCRB as a walk-in complainant and filed the following complaint in-person. On August 22, 2019, at approximately 2:00 p.m., § 87(2)(b) was inside of her apartment at § in Manhattan § 87(2)(b) when, PO Lissette Guerrerodeoleo and PO Sahib Singh, of the 19th Precinct, came to her door. PO Guerrerodeoleo and PO Singh presented § 87(2)(b) with a legal document that stated that the NYPD was to accompany § s ex-husband, § 87(2)(b) to retrieve their children's' personal belongings from s apartment. told PO Guerrerodeoleo and PO Singh that she spoke with her lawyer and did not need to let them into her apartment. § \$7(2)(b) closed her door and PO Guerrerodeoleo told her that she could be arrested (Allegation A —Abuse of Authority: Threat of arrest: STOIG This threat was allegedly made under Sgt. Ross's supervision (Allegation B — Abuse of Authority: Threat of arrest: § 87(2)(g) PO Jaily Polancobalcacer and Sgt. Patrick Ross, both of the 19th Precinct, arrived at the incident location. § 37(2)(b) exited her apartment with her housekeeper, only known as § 37(2) and walked toward the elevator bank. PO Polancobalcacer approached \$87(2)(b) and stopped her in the hallway (Allegation C – Abuse of Authority: Stop: \$87(2)(g)). PO Guerrerodeoleo and PO Singh also approached § \$7(2)(5) and stopped her in the hallway under Sgt. Ross's supervision (Allegation D, Allegation E, and Allegation F – Abuse of Authority: Stop: §87(2)(g) PO Guerrerodeoleo grabbed [887(2)(b) s right arm and squeezed it (Allegation G – Force: Physical force: § 87(2)(g)). Allegedly, this force was used under Sgt. Ross's supervision (Allegation H – Force: Physical force: §87(2)(g) Sgt. Ross told PO Guerrerodeoleo, PO Singh, and PO Polancobalcacer to let \$37(2)(6) officers stood aside and allowed \$87(2)(b) to pass. Sgt. Ross, PO Guerrerodeoleo, PO Singh, and PO Polancobalcacer did not provide \$87(2)(b) with business cards (Allegation I, J, K, L – Abuse of Authority: Refusal to provide RTKA card: §87(2)(g) Body-worn camera footage was obtained from PO Guerrerodeoleo (Board Review 08 - 10), and PO Sahib Singh (Board Review 11 - 13), both of the 19th Precinct. Footage from the first-floor in Manhattan was also obtained. However, it did not capture any FADO allegations or the incident location (Board Review 14). The relevant footage will be discussed below. Findings and Recommendations Allegation A – Abuse of Authority: Police Officer Lissette Guerrerodeoleo threatened to arrest § 87(2)(b) was interviewed at the CCRB on September 9, 2019 (Board Review 01). § 87(2)(b)

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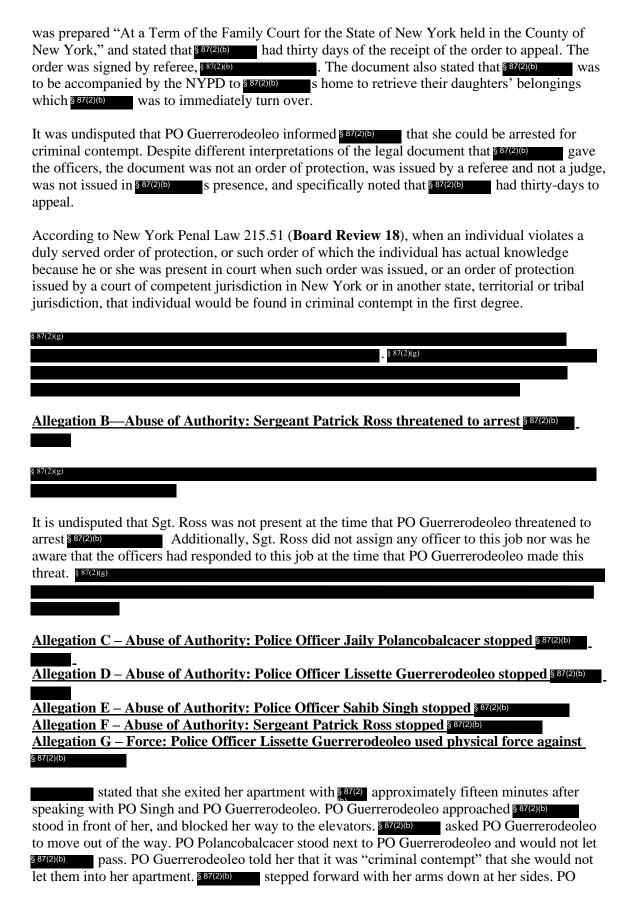
housekeeper, provided a phone statement to the CCRB on September 9, 2019 (**Board Review 26**). PO Guerrerodeoleo was interviewed at the CCRB on December 18, 2019 (**Board**

Sgt. Ross (Board Review 06) and PO Polancobalcacer (Board Review 07) were interviewed at the CCRB on January 6, 2020. stated that PO Singh and PO Guerrerodeoleo arrived at her apartment with her exhusband, \$87(2)(6) PO Singh knocked on \$87(2)(6) s door and spoke at the door. PO Singh asked \$87(2)(b) to let them into the apartment and handed \$87(2)(b) a family court order. The order stated that the NYPD could accompany \$37(2)(b) to obtain their daughters' belongings but did not compel \$87(2)(b) to grant anyone entry to her apartment. \$87(2)(b) photograph of the order to her lawyer and handed it back to PO Singh. § 87(2)(b) told PO Singh she did not have to let them into her apartment and that she had thirty-five days to appeal the order. PO Guerrerodeoleo told \$87(2)(b) that she was committing "criminal intent." PO Guerrerodeoleo stated that she and PO Singh met with \(\frac{887(2)(b)}{2} \) outside of the apartment gave them a legal document that she believed was a family court order. PO Guerrerodeoleo and PO Singh went up to \$87(2)(b) s apartment, without consulting with a supervisor, and knocked on her door. They informed \$87(2)(b) that they had a family court order to obtain her daughters' belongings. §87(2)(b) and PO Guerrerodeoleo told her she needed to give them access or she was committing "criminal contempt." still refused, and PO Guerrerodeoleo told § 87(2)(b) a few times that she could be arrested for her refusal to comply with the family court order. PO Singh's statement was generally consistent with that of PO Guerrerodeoleo. However, PO Singh believed that the legal document provided by \$87(2)(b) was an order of protection. PO Singh also did not remember who told \$87(2)(b) that she could have been arrested, but that either himself or PO Guerrerodeoleo told her. PO Polancobalcacer's statement was generally consistent with that of the other officers. However, PO Polancobalcacer did not hear any other officers tell § 37(2)(5) that she could have been arrested at any point in the interaction. Sgt. Ross's statement was generally consistent with that of the other officers, except, Sgt. Ross did not hear any officers tell \$87(2)(b) that she was committing "criminal contempt" or that she could be arrested. Sgt. Ross did not know what § 87(2)(b) s legal document was or whether could have been arrested. Sgt. Ross believed that for officers to enforce a court order, it had to be signed by a judge, both parties had to be aware of it, and it had to list a time and date to be enforced. Sgt. Ross did not know whether [397(2)(b)] s document was enforceable because it was only signed by a referee, so he called the Domestic Violence Unit to get more information. PO Guerrerodeoleo told Sgt. Ross after the incident that \$87(2)(b) could have been arrested because she thought that it was a valid court order and solution committed "criminal contempt" by not cooperating. PO Guerrerodeoleo's body-worn camera footage captured the incident in its entirety (Board Review 08). Between 00:00 and 01:05 minutes, PO Guerrerodeoleo and PO Singh speak to at her door about her daughters' belongings. PO Singh hands 887(2)(5) a document. takes the document and says that based on the document, they cannot enter her apartment and she has the right to appeal. §87(2)(6) closes her door. At 01:05 minutes, PO Guerrerodeoleo tells §87(2)(b) that she is "committing criminal contempt" and can be arrested.

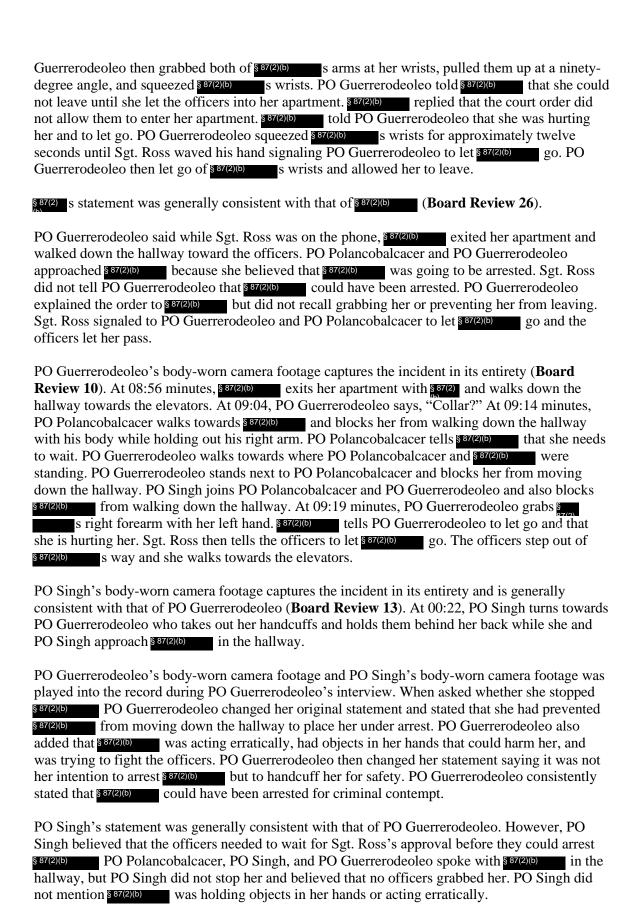
Review 04). PO Singh was interviewed at the CCRB on December 20, 2019 (Board Review 05).

the day of the incident (Board Review 17). The document was dated August 22, 2019, noted it

provided to the investigation a photograph of the legal document, that she viewed on



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PO Guerrerodeoleo's body-worn camera was played into the record during PO Singh's interview (Board Review 10). Upon reviewing the body-worn camera footage, PO Singh added that he believed PO Guerrerodeoleo grabbed 887(2)(b) s arms because her intention was to arrest for criminal contempt. PO Singh was not worried for his safety or the other officers' safety. PO Polancobalcacer's statement was generally consistent with that of the other officers, except, PO Polancobalcacer acknowledged that PO Guerrerodeoleo held 887(2)(b) s arms between her forearm and her wrist with an open palm. PO Polancobalcacer did not know if §87(2)(b) free to go because he did not stop her. PO Guerrerodeoleo's body-worn camera footage was played into the record during PO Polancobalcacer's interview (Board Review 10). Upon reviewing the body-worn camera footage, PO Polancobalcacer identified himself as the officer standing in front of (\$37(2)(b) at 9:14 minutes. PO Polancobalcacer explained that he was "stalling" \$87(2)(5) so the officers could confirm with Sgt. Ross whether they needed to detain her. PO Polancobalcacer "stalled" by standing in front of her in the narrow hallway until Sgt. Ross said to let \$87(2)(b) go. Sgt. Ross said he called the Domestic Violence Unit to get more information on the document gave him. Sgt. Ross did not give the officers any instructions before he called or while he was on the phone. While Sgt. Ross was on the phone, he could see PO Polancobalcacer, PO Guerrerodeoleo, and PO Singh, standing closer to §87(2)(b) s apartment. Sgt. Ross did not know what the officers were doing while he was on the phone, nor could he hear what they were saying. When \$87(2)(b) exited her apartment, PO Polancobalcacer or PO Singh, and PO Guerrerodeoleo impeded \$37(2)(b) from walking down the hallway by blocking her with their bodies. Sgt. Ross did not see any officers grab \$37(2)(6) at any point. Sgt. Ross told the officers to let §87(2)(b) go and they stepped away from her and let her walk toward the elevator. s \$87(2)(b) records (**Board Review 16**) contained a report from \$87(2)(b) completed by § 87(2)(b) . The report stated that, § 87(2)(b) had sustained wrist pain from the previous day. § 87(2)(b) told § 87(2)(b) that someone held both her wrists very tightly during an argument which produced extreme pain to the area. She has not been able to use her right-hand wrist since the event. §87(2)(b) was diagnosed by §87(2)(b) with a wrist contusion after performing X-Rays on § 87(2)(b) s right-hand wrist. § 87(2)(b), § 87(2)(g)

People v. DeBour, 1976 40 N.Y. 2d 210 (1976), found that when an officer has reasonable suspicion that a person has committed, is committing or is about to commit a felony or misdemeanor, the CPL authorizes a forcible stop and detention of that person (Board Review 23)

undisputed that Sgt. Ross did not give PO Polancobalcacer, PO Guerrerodeoleo, or PO Singh, any

instructions prior to their stop of §87(2)(b) and instructed them to let §87(2)(b)

According to New York Penal Law 215.51 (Board Review 18), when an individual violates a duly served order of protection, or such order of which the individual has actual knowledge because he or she was present in court when such order was issued, or an order of protection issued by a court of competent jurisdiction in New York or in another state, territorial or tribal jurisdiction, that individual would be found in criminal contempt in the first degree.

| § 87(2)(g) |
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| § 87(2)(g) |
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| According to NYPD Patrol Guide Procedure 221-02 and 221-03, when a member of service must gain compliance, control, or custody of an uncooperative subject the member should comply with P.G. 22-01, "Force Guidelines," and take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody (Board Review 19). |
| § 87(2)(g) |
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| Allegation H – Abuse of Authority: Sergeant Patrick Ross used physical for against 887(2)(5) |
| Panel 5A-2019 returned this case to investigations to plead several allegations against Sgt. Ross, including this allegation. |
| It is undisputed that Sgt. Ross did not personally use any force against 887(2)(b) and only PO Guerrerodeoleo used force against 887(2)(b) It is further undisputed that Sgt. Ross was not physically present when PO Guerrerodeoleo was using force against 887(2)(b) did not authorize her to use any force, and as soon as he was aware that force was being used he commanded the officer to cease. 887(2)(g) |
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| Allegation I – Abuse of Authority: Police Officer Lissette Guerrerodeoleo failed to provide with a business card. Allegation J – Abuse of Authority: Police Officer Sahib Singh failed to provide with a business card. Allegation K – Abuse of Authority: Police Officer Jaily Polancobalcacer failed to provide with a business card. Allegation L – Abuse of Authority: Sergeant Patrick Ross failed to provide ser(2)(b) with a business card. |
| stated that after the officers let her pass, she and \$87(2) went to the elevators on her floor and exited her apartment building. \$87(2)(b) did not receive business cards from any of the officers. |
| PO Guerrerodeoleo acknowledged that she did not give \$87(2)(b) a business card but said that |

| she did not have to because the officers did not stop her, the incident happened quickly, and did not ask for a business card. |
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| PO Singh acknowledged that he did not give a business card but did not think there was a chance to give 887(2)(b) a business card. PO Singh also believed that because the officers had probable cause to arrest 887(2)(b) they did not need to give her a business card. |
| PO Polancobalcacer acknowledged that he did not give \$87(2)(0) a business card because he did not stop her. |
| Sgt. Ross said no officers gave business cards. Sgt. Ross believed that if someone was stopped, they had to be given a business card, but Sgt. Ross did not feel \$87(2)(6) was stopped at any point. |
| PO Guerrerodeoleo's body-worn camera footage captures this portion of the incident in its entirety (Board Review 10). At 09:37 minutes, after being allowed to continue down the hall, stands by the elevator bank with for approximately one minute while waiting for the elevator. The officers speak with her during this time but do not offer business cards. |
| It was undisputed that PO Guerrerodeoleo, PO Singh, PO Polancobalcacer, and Sgt. Ross, did not provide \$87(2)(6) with a business card at any point during this incident. \$87(2)(9) |
| Although PO Guerrerodeoleo stated that the incident happened too quickly to provide with a business card, and PO Singh said there was no opportunity, body-worn camera footage showed the officers conversing with at the conclusion of the incident for approximately one minute while she waited for the elevator. |
| According to the Right to Know Act as defined in Section 14-174 of the New York City Administrative Code, an officer must offer a business card to someone at the conclusion of any law enforcement activity defined under the act, including pedestrian stops, that does not result in an arrest or summons (Board Review 24). |
| According to NYPD Patrol Guide Procedure 203-09, an officer must provide a business card for a law enforcement activity, including a stop; where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter (Board Review 20). |
| § 87(2)(g) |
| § 87(2)(b) |
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| § 87(2)(g), § 87(4-b) | |
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party (**Board Review** 03).
- PO Guerrerodeoleo has been a member of service for two years and this is the first complaint for which she has been a subject.
- PO Singh has been a member of service for two years and this is the first complaint for which he has been a subject.
- PO Polancobalcacer has been a member of service for four years and has been a subject in one previous CCRB complaint and one allegation, which was not substantiated.
- Sgt. Ross has been a member of service for thirteen years and has been a subject in two previous CCRB complaints and seven allegations, none of which were substantiated.

Mediation. Civil and Criminal Histories

- Mediation was presented to during her in-person interview on September 9, 2019 and declined mediation because she did not want to the see the officers again.
- On January 14, 2020, a request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Officer, and the results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), [887(2)(6)] has no history of convictions in New York City (**Board Review 02**).

| Squad No.: | 10 | | |
|---------------|--------------------------------|--------------------|------|
| Investigator: | Jackie Manginelli Signature | Print Title & Name | Date |
| Squad Leader: | Eric Rigie Signature | Print Title & Name | Date |
| Reviewer: | Signature | Print Title & Name | Date |